REMARKS

This paper is a Response to the Office Action mailed July 16, 2009, in connection with the above-identified application. Claims 28 to 34 stand withdrawn from consideration as directed to a non-elected invention. Claims 1 to 27 are under consideration.

Regarding the Amendments to the claims

Support for the claim amendments can be found throughout the Specification. In particular, support for the amendments to claim 1 to recite," wherein the solution allows the dissolution of the protein for a time sufficient for homogenous coating," and "wherein the carrier is entirely coated with the protein so that identical amounts of the protein are present in each and every area of the surface of the carrier, thereby resulting in a homogenously coated carrier" can be found, for example, at page 18, last paragraph. Claims 3, 4, 6, 11 to 14, 19 to 21, 24, 25 and 27 have been amended to delete multiple dependencies. As the amendments to are supported by the Specification or were made to address formalities, no new matter has been added and entry of thereof is respectfully requested.

Regarding the objections to the claims

The objection to claims 9 to 13, 19 to 21, and 24 to 27 as being in improper form for being multiple dependent claims is respectfully traversed. Claims 3, 4, 6, 11 to 14, 19 to 21, 24, 25 and 27, as amended are no longer multiply dependent. Consequently, the objection is overcome.

REJECTION UNDER 35 U.S.C. §103(a)

The rejection of claims 1 to 27 under 35 U.S.C. §103(a), as allegedly obvious over U.S. Patent No. 5,258,029, to Chu et al. is respectfully traversed. Allegedly, claims 1 to 27 would have been obvious in view of U.S. Patent No. 5,258,029 ("Chu et al.").

Applicants first respectfully point out that the standard for determining obviousness under 35 U.S.C. §103(a) requires that there must have been a suggestion or motivation to modify the reference; a reasonable expectation of success of producing the claimed invention; and the *reference must teach or suggest each and every claim limitation*. Both the teaching or suggestion to modify the reference and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure. See, e.g., *In re Vaeck*, 947 F.2d 488

(Fed. Cir. 1991) and *In re O'Farrell*, 853 F.2d 894, 903-904 (Fed. Cir. 1988), *Emphasis added.*

Here, Claims 1 to 27 would not have been obvious in view of Chu et al., at the time of the invention. In particular, among other things, Chu et al. fails to teach or suggest carrying out steps b)- d) under "a reduced concentration of oxygen." Namely, Chu et al. fails to teach or suggest that a carrier containing a surface of metal or metal alloy is to be coated under a reduced concentration of oxygen. In fact, Chu et al. fail to teach or suggest *any* method which is carried out under reduced oxygen, let alone the claimed methods. Consequently, because Chu et al. fail to teach or suggest each and every element of claims 1 to 27, the rejection under 35 U.S.C. §103(a) is improper and must be withdrawn.

CONCLUSION

In summary, for at least the reasons set forth herein, Applicants maintain that claims 1 to 27 clearly and patentably define the invention, respectfully request that the Examiner reconsider the various grounds set forth in the Office Action, and respectfully request the allowance of the claims which are now pending.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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